Applicant:	Birmingham Coal & Coke Co.	Inc.
Mine Name:	Miner Hollow #2 Mine	<del></del>
Permit Num	ber: P-3777, Per	mit Renewa

## STATE OF ALABAMA SURFACE MINING COMMISSION

ASMC-176-(09/92)

<ul> <li>( X) Renewal Application for a Surface Coal Mine</li> <li>( ) Renewal Application for an Underground Coal Mine</li> <li>( ) Renewal Application for a Preparation Facility</li> </ul>
PART I A. IDENTIFICATION
1.PERMIT APPLICANT Name: Birmingham Coal & Coke Co., Inc. Street Address: 912 Edenton Street City: Birmingham State: AL Zip: 35242 Mailing Address: 912 Edenton Street City: Birmingham State: AL Zip: 35242 Telephone Number: (205 ) 408 5881 Social Security Number (Voluntary): Employer Identification Number: 63- ASMC License#: L-378
2.ENTITY OR PERSON RESPONSIBLE FOR PAYING ABANDONED MINE LAND RECLAMATION FRES  Name: Birmingham Coal & Coke Co., Inc.  Street Address: 912 Edenton Street  City: Birmingham State: AL Zip: 35242  Mailing Address: 912 Edenton Street  City: Birmingham State: AL Zip: 35242  Telephone Number: (205)408 - 5881  Social Security Number (Voluntary):  Employer Identification Number: 63-  ASMC License#: L-378
3.IDENTIFY THE OPERATOR FOR THIS MINE IF DIFFERENT FROM THE PERMITTEE Name: Birmingham Coal & Coke Co., Inc. Street Address: 912 Edenton Street

4. CONTACT PERSON FOR PERMIT REVIEW ISSUES AND CORRESPONDENCE

Name: Jason Rudakas c/o Birmingham Coal & Coke

Mailing Address: 912 Edenton Street

City: Birmingham State: AL Zip: 35242

Telephone Number: (205 )408- 5881

Also Please Copy: Robert A. Lewis

Birmingham Coal & Coke Co., Inc.

912 Edenton Street Birmingham, AL 35242

Applicant: Birmingham Coal	& Coke
Mine Name: Miner Hollow #2	
Permit Number: P-3777	

FART I B. OWNERSHIP AND CONTROL
1. PERMIT APPLICANT OWNERSHIP AND CONTROL. At the time of filing of this application provide an update of all information contained in the applicant's license file or certify that the information contained in the license is accurate and complete. The updated information shall be submitted on Part I A through Part I F of the License application form. Check one of the following
A license update is included
Information contained in the license file is accurate and complete at the time of filing of this application.  No update is included.
Following notification that the permit appears eligible for issuance, the applicant must certify that all information in this application and the license file pertaining to ownership and control, surface mining history and violation history is still valid or the applicant must submit the appropriate update information.
2. OPERATOR OWNERSHIP AND CONTROL. If someone other than the permittee has been identified as the operator under this permit, an update of the ownership and control information contained in the operator's license file must be provided or certify that the information contained in the license file is accurate and complete. The updated information shall be submitted on Part I A through Part I F of the License application form. Check one of the following:
A license update is included
Information contained in the license file is accurate and complete at the time of filing of this application.

Following notification that the permit appears eligible for issuance, the applicant must certify that all information in this application and the license file pertaining to ownership and control, surface mining history and violation history is still valid or the applicant must submit the appropriate update information.

- 3. CONTROL OF MINING OPERATION THROUGH CONTROL OF COAL TO BE MINED. Provide the information below for any person or entity who owns or controls the coal to be mined under this permit and who, by lease, sublease, or other contract:
  - A. has the right to receive the coal after mining, or,

No update is included.

B. has the authority to determine the manner in which the operator or permittee conducts surface coal mining operations.

(USE ADDITIONAL SHEETS IN THE FORMAT BELOW IF NECESSARY)

Name: Birmingham Coal & Coke Co., Inc.	
Street Address: 912 Edenton Street	
City: Birmingham State: AL Zip: 35242	
Mailing Address: 912 Edenton Street	
City: Birmingham State: AL Zip: 35242	
Telephone Number: (205) - 408 - 5881	
Social Security Number: (Volume )	
Employer Identification Number: 63-	
ASMC License#. L-378	

Appli	cant:	Birmi	ngham	Co	al	&	Coke
Mine 1	Vame:	Miner	Holl	OW	#2		
Permi	Num	ber: 1	9- 377	7		- Novel	

## PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS

- 1. OWNERSHIP OF PROPERTY TO BE MINED AND RIGHT OF ENTRY. INSTRUCTIONS: Show the property ownership boundaries of each parcel of land in the permit area on the permit map or an overlay of the same scale as the permit map. If the surface estate is severed from the mineral estate, show and describe the ownership of each estate separately. In the spaces below, identify:
- 1. Every current legal or equitable owner(s) of record (as found in a standard search of title) of the property; 2. The holders of record of any leasehold interest in the property; and,

3. Any purchaser of record under a real estate contract of the property.

Describe the basis of the applicant's legal right to enter and mine on all properties contained in the permit application. If the mineral estate has been severed from the surface estate, describe the basis of the legal right to enter and mine both the surface and mineral separately. Give the nature of such right (i.e. lease, deed, contract, etc.), where recorded, describe from whom, to whom, and the date executed, and whether that right is the subject of pending litigation.

USE ADDITIONAL SHEETS IN THE FORMAT BELOW AS NECESSARY

Page ]	1 of	
Legal description of property or pe		
University of Alabama Board of Trus	itees (S)	
Surface/Mineral/or Fee Simple (bot Legal owner(s) of record: Universi	h): Surface ty of Alabama Board City: Tuscaloosa	of Trustees State: AL Zip: 3548
Purchasers under a real estate con Address:		State:Zip:
Description of right to enter or many Describe the type of document or conviturbance or mining.	City: ine: reyance which grants t	State: Zip:

disturbance or mining.

Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes,explain.
LEASE	University of Alabama Board of Trustees	Birmingham Coal & Coke Co., Inc.	1/13/06	No

Applica	unt:Birmingham Coal & Co	oke
	me: Miner Hollow #2	
Permit	Number: P-3777	

PART I C 1. (CONTI	NUED)				
	Part	I C 1 Page	of		
Legal descrip	tion of proper	cty or permit m	nap symbol:	L	
	Company (Fee)				
Surface/Miner	al/or Fee Simp	ole (both): Fee	e Simple		
Legal owner(s	) of record: A	labama Power C	ompany		
Address: P.	O. BOX 2641	City:	Birmingham	State:AL	Zip: 35291
HOLDERS OF TE	asehold intere	est:			
Address:	dow o was 1	City:		State:	Zip:
Address:	uer a rear est	City:			
	f right to ent	City:		State:	Zip:
			1		
disturbance or minin		t or conveyance	which grants	the right of	entry,
	~				_
the grantor of the r	ight is not the	was acquired an	d to whom the	e right was o	ranted. If
the grantor of the r grantees of the righ	t hasinning with	owner(s) or pro	perty, ident	ity all grant	ors and
applicant.	c beginning with	i the owner(s) a	na enaing wi	th the permit	1
approunc.					
Describe Right	Granted	Granted	Date	Litigation	Dending
of Entry(If deed	I constitution and a constitution of the const	To:	Granted:	(Yes or	A THE RESERVE TO SERVE AND A SERVE ASSESSMENT
indicate where	12500	10.	Granceu;	If yes, exp	
recorded):				ii yes,exp	Iaill.
recorded).					
			İ		
Lease	Alabama	Birmingham	9/25/02	No	
2000	Power Co.	Coal & Coke	3,23,02	110	
	FOWEL CO.				
		Co., Inc.			
1					
					1
		And the same of th			
		l		<u> </u>	
Legal descript	cion of proper	ty or permit ma	ap symbol:_		
Gulf States Paper	Corp. (S)				
		le (both): Surf	ace		
Legal owner(s)	of record. Gl	ilf States Pape	er Corp.		
Address. P.O.	Box 48999		Tuscaloosa	Chaha AT.	35404
Holders of lea			uscaroosa	State:All	ip:35404
Address:			· · · · · · · · · · · · · · · · · · ·	GL-1-	
Address:	low a word awk	City:_		State:2	
Addross uno	er a real esta	ate contract:		State:2	ļ.———
Address:		City:_		State:2	ıp:
Description of			d-1-1-		
Describe the t disturbance or mining	ype or document	or conveyance w	nich grants	the right of	entry,
recurrance of milling	-				

Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	Gulf States Paper Corp.	Birmingham Coal & Coke Co., Inc.	03/10/03	No

What	.ca	nt:Birm:	ingham	Coal	80	Coke
Mine	Na	me:Mine	r Holla	2# wc		* * * * * * * * * * * * * * * * * * *
Permi	t	Number:	P-377	7	$\top$	

PART I C 1. (CONT	INUED)			
	Part	I C 1 Page _	_ of	
Legal descri	ption of prope	rty or permit	map symbol:	
Bob Lewis,	Tom Lewis, &	Mike Bailev (S	.)	
Surface/Mine:	ral/or Fee Sim	ole (both), Su	rface	
Legal owner(	<li>of record: B</li>	ob Lewis. Tom	Lewis & Mi	ke Pailon
variess: >	a preficon scie	71-17	Birmingham	State AL Zip: 3524
Holders of le	easehold intere	est:		Scace x1 Z1p: 332
Address:		Cite	:	State:Zip:
Purchasers un	nder a real est	ate contract:		btate:zip:
		Cherr	:	State:Zip:
Description o	of right to ent	er or mine.		
Indicate from	whom the right	was acquired as	nd to whom th	s the right of entry, he right was granted. ify all grantors and th the permit
Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending (Yes or No) If yes, explain.
Lease/Owner Deed Book 1862 Page 288	Bob Lewis Tom Lewis & Mike Bailey	Birmingham Coal & Coke Co., Inc.	10/23/03	No
Legal descript			ap symbol:	
Bonnie & Danny	Joe Kilgore (	Fee)		
Surface/Minera	1/or Fee Simpl	e (both) : Fee	Simple	
Legal owner(s)	of record: Bon	nie & Danny Jo	oe Kilgore	
Holders of leas	3 Wooley Sprin sehold interes	t:		State:ALZip:35613
Purchasers unde	er a real estat	e contract:		State:Zip:
Decarinties -		City:_		State: Zip:
Description of	right to enter	or mine:		

scribe the type of document or conveyance which grants the right of entry, disturbance or mining.

Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes,explain.
Lease	Bonnie & Danny Joe Kilgore	Birmingham Coal & Coke Co., Inc.	01/14/04	No

Applicant:Birmingham Coal & Coke Mine Name: Miner Hollow #2 Permit Number: P-3777

PART I C 1. (CONT	INUED)			
	Part	I C 1 Page _	of _	
Legal descri	ption of prope	rty or permit	map symbol:	
Jolen Operat	ing Company (M	<i>a</i> ).		
Surface/Mine:	ral/or Fee Sim	nle (both). Mix	Nama 7	
Legal owner(s	s) of record. T	olen Operating	Camera	
Address: 10	O N Broadway, St	ite 2460 al.	Oklahoma Ci	ty State OK Zip: 73102
		est:	: OKTAHOMA CI	State OK Zip: 73102
AUULESS*				
Purchasers ur	nder a real es	tate contract:	•	State:Zip:
				State:_Zip:
Description o	of right to ent	er or mine.		
Describe the	type of documen	t or conveyance	which grants	the right of entry,
Indicate from	whom the right	was acquired an	od to whom th	ne right was granted. If
the grantor of the r	ight is not the	owner(s) of pro	perty ident	e right was granted. If ify all grantors and
	t beginning with	h the owner(s)	and ending wi	th the parmit
upplicant.			and distance with	en che bermit
D '1		T		
Describe Right	Granted	Granted	Date	Litigation Pending?
of Entry(If deed	From:	To:	Granted:	(Yes or No)
indicate where				If yes, explain.
recorded):				7
Lease	Jolen	Diami		
	Operating Co.	Birmingham	12/06/02	No
	operacing co.	Coal & Coke		
		Co., Inc.		
			1	
			- Control of the Cont	
77 2				
Legal descript	ion of propert	y or permit ma	up symbol:	
Careforn /se'	7.7			
Surface/Minera	1/or Fee Simpl	e (both):		
3 C.1101 (D)	of record:			
AUULESS:		~ · ·		State:Zip:
Holders of leas	senoid interes	· ·		
Address:		CI.		State:Zip:
Purchasers unde	er a real esta	ce contract:		
		(14 1-17 -		State:Zip:
Description of	right to enter	r or mine:		

Describe the type of document or conveyance which grants the right of entry, disturbance or mining.

Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.	

Applicant:Birmingham Coal & Coke
Mine Name:Miner Hollow #2
Permit Number: P-3777

### PART I C. (CONTINUED)

2. OWNERSHIP OF SURFACE AND MINERAL LANDS CONTIGUOUS TO THE AREA TO BE MINED. INSTRUCTIONS: Provide the information below for the owners of record of all surface and mineral properties contiguous to any part of the proposed permit area.

## USE ADDITIONAL SHEETS AS NECESSARY IN THE FORMAT BELOW

	-
PAGE 1 OF	
Name: Alabama Power Company	
Address: P.O. Box 2641	-
City: Birmingham State: AL Zip: 38326	_
Interest owned (Surface, Coal or Fee Simple): Fee Simp	īe
Type of Interest (Owner, Lease , or Other): Owner	_
Name: Gulf State Paper Corp	
Address: P.O. Box 48999	-
City: Tuscaloosa State: AL Zip: 35404	-
Interest owned (Surface, Coal, or Fee Simple) Fee Simp	īe
Type of Interest(Owner, Lease , or Other): Owner	- '
Name: University of Alabama Board of Trustees	
Address: P.O. Box 870106	-
City: Tuscaloosa State: AL Zip: 35487	-
interest owned (Surface, Coal, or Fee Simple): Fee Simple	1
Type of Interest(Owner, Lease , or Other): Owner	_
Name: Bonnie & Danny Joe Kilgore	
Address: 28513 Wooley Springs Road	-
City: Athens State: AL Zip: 35618	-
Interest owned (Surface, Coal or Fee Simple): Surface	-
Type of Interest (Owner, Lease, or Other): Owner	•
Name: Jolen Operating Company	
Address, 100 N. Broadway Suite 2460	
City: Oklahoma City State: OK Zip: 73102	
Interest owned (Surface, Coal, or Fee Simple) Mineral	
Type of Interest (Owner, Lease , or Other): Owner	
Name:	
Address:	
Address: City: State: Zip: Interest owned (Surface, Coal, or Fee Simple):	
Interest owned (Surface, Coal, or Fee Simple):	
Type of Interest (Owner, Lease , or Other):	
Name: Bob Lewis, Tom Lewis & Mike Bailey	
Address: 912 Edenton Street	
City: Birmingham State: AL Zip: 35242	
incerest owned (Surface, Coal, or Fee Simple): Surface	
Type of Interest (Owner, Lease , or Other): Owner	

Applicant:Birmingham Coal & Coke

Mine Name: Miner Hollow #2
Permit Number: P-3777

### PART I C. (CONTINUED)

- 3. <u>INTERESTS OR PENDING INTERESTS IN LANDS CONTIGUOUS TO THE PERMIT AREA.</u>
  INSTRUCTIONS: Give the legal description of all lands contiguous to the permit area for which the permit applicant:
  - 1. Holds an interest,
  - 2. Holds an option, or
  - 3. Has made a bid for ownership, lease or other interest.

    USE ADDITIONAL SHEETS IN THE FORMAT BELOW IF NECESSARY

PAGE 1 OF Concurrent with Original	Permit
Legal description:	
Describe the nature of the interest:	
Legal description:	
Describe the nature of the interest:	
Legal description:	
Describe the nature of the interest:	
Legal description:	
Describe the nature of the interest:	
Legal description:	
Describe the nature of the interest:	

Applicant: Birmingham Coal & Coke Mine Name: Miner Hollow #2 Permit Number: P-3777

## PART I D. PERMIT AREA INFORMATION

1.	Term	Information.
	7 07 111	TITTOTING LION .

- Date original permit or subsequent renewal expires: 6/11/11 a. b.
- Term of original permit or subsequent renewal: 5 years
- Requested term of this permit renewal: 5 years C.
- Sequence number of this renewal: d.
- 2. Give the legal description of the land upon which the applicant proposes to conduct surface coal mining operations pursuant to this renewal. List each quarter-quarter section, section, township, range, and county.

CTT - 1 -						-	
SW 1/4 of S Range 8 Wes	E 1/4 and	SE 1/4 d	of SE 1/4	05 0	_		
Pango 9 Man	L 22 4 2		21 OF 1/4	or secti	on 9, 1	ownship 16	South
Range 8 Wes	c, Walker	County,	Alabama				- Jouest,
Andreas Commission	Contains Referent References (Action Contains						
		<del></del>					
	III SWEST HER THE						
					A COLUMN STATE OF THE STATE OF		
				- DIANCHICA AND AND AND AND AND AND AND AND AND AN			
Cliara Li.							

- 3. Give the acreage of the permit renewal, each increment and the type of
  - a. Total permit renewal acreage: 323
  - b. Give the acreage and type of bond for each mining increment:

Increment	Acres	Type Bond Proposed				
1.		Letter of Credit				
2. 3.	125 12	Letter of Credit				
4.	154	Letter of Credit Letter of Credit				
5. 6.	26	Letter of Credit				

NOTE: (Areas that may be included in the renewal of a permit may include that part of the permit which has not been disturbed by mining and those incidental areas necessary to facilitate the mining operations. For underground mining, existing surface areas contained in the permit may be included in the renewal of a permit. No new acres may be added to the permit as a part of this

Applicant:Birmingham Coal & Coke
Mine Name: Miner Hollow #2
Permit Number: P-3777

### PART I D. (CONTINUED)

5. List all other licenses and permits required to conduct mining operations including, but not limited to, MSHA I.D. and NPDES. Give the identification or permit number, the name and address of the issuing authority, and the status or date of approval or issuance of each:

Permit ID or Permit Issuing Address Status or date Number Authority MSHA ID of issuance 01-03004 MSHA NPDES AL0061719 CURRENT ADEM CURRENT

- 6. Did the applicant receive assistance from the Small Operator Assistance Program in preparing this application? ( )YES (X )NO

  If YES, list SOAP I.D. Number:
- 7. Submit a certificate of proof of Liability Insurance with this application.
  On File at ASMC. Current.
- 8. Describe any changes at the mining operation (on-site) which are different from the information given in the original permit application, earlier renewals, or revisions. Examples of such changes would be: previously undetected conditions which are creating adverse environmental effects, changes in the permit application such as the operation plan, reclamation timetable, or post-mining land use. In the case of underground mining operations, the anticipated underground development planned for the term of the renewal shall be described along with a subsidence control plan for the area. This plan is to be in the format of the subsidence control plan found in the permit application.

# PART I E. PUBLIC NOTICE AND AVAILABILITY FOR INSPECTION

- 1. Give the name of the approved public office in which a copy of this application will be filed for public inspection following notification of completeness: Carl Elliot Regional Library Jasper, AL
- 2. Enclose a copy of the notice of filing of this application which will appear in a newspaper of general circulation in the vicinity of the mine and identify the name of the newspaper: Daily Mountain Eagle